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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,696

05/11/2006

Jean-Paul Domen

CABH.P0007

3818

48947 7590 06/10/2009
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EXAMINER

MANOHARAN, VIRGINIA

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

06/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,696	Applicant(s) DOMEN ET AL.	
	Examiner Virginia Manoharan	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g., typographical, grammar, idiomatic, syntax and etc. Applicants' cooperations are requested in correcting any errors of which applicants may become aware in the specification.

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required. The abstract in the PCT does not suffice.

Claims 1-17 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). Claims 2 and 6 are at odd with the claim from which they depend, i.e., 1. Claim 1 recites a "Multiple-effect distillation method", whereas, claims 2 and 6 both recite a "Distillation method with vapour diffusion", which are inconsistent therewith. The same holds true for claims 3-5 depending directly or indirectly on claim 2. That is, claim 3, for example only, recites a "Distillation method with vapour diffusion and heat-transfer liquid" which is inconsistent with claim 2. See other dependent claims.

[A dependent claim incorporates every features of the claim from which it depends and cannot change nor orient the limitation already recited in the independent claim].

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b). It is unclear whether the limitation(s) recited prior the term "wherein" in claim 1, line 10, is to be regarded as part of applicants' invention? Applicants should recite claim 1 in Jepson -format (if intended) to delineate that which is an improvement in the art.

c). The claims are indefinite because they fail to set forth the active, actual physical process/method steps, i.e., the used of past tense and passive voice makes for confusion and ambiguity. Reciting, e.g., --carrying counter-current heat exchanges—in claim 1, in lieu of "...are carried out by a single liquid...." is better.

d). Claim 1 recites the limitation "the installation" in lines 35-36 . There is insufficient antecedent basis for this limitation in the claim.

e). The claimed "in particular" (claims 1, 21) ; "as little as possible" (claim 2); "relatively high" (claims 2-4); "slightly greater than" (claim 2); "relatively low" (claims 3, 7); " as close as possible" (claim 6); simply effective" (claims 10, 11); "slightly more" (claim 12); "appropriate" (claims 8, 21); "if appropriate" (claims 12, 21); "preferably" (claim 13); "as cold as possible" (claim 13); "more or less" (claims 1, 7) and "just above the plates" (claim 21) all fail to ascertain the claimed invention with precision.

f).The inconsistent used of terminology, e.g., "said heat transfer gas" in claim 21, line 6, as opposed to "the saturated heat-transfer gas" in line 7 is improper as it provides for ambiguity confusion in the claims.

g).The terms "large" (claims 1, 9, 21); "significant" (claim 1); "fine" (claim 1); "very hot" (claims 2, 10); small (claims 2, 6, 9, 13, 21, 22); "considerable" (claim 6); "useful" (claim 7); "suited" (claim 14); and "clear" (claim 15) are relative terms which render the claims indefinite. The above terms are not defined by the claims, the specification does not

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provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 1-17 and 21-22 are objected to because of typographical errors such as: vapour(s)and whilst, numerously recited in the claims, which should be –vapor—and –while—respectively as the latter are the terms normally used in the U.S. Also, the term “intended” recited in claims 1 & 10 should be deleted as being superfluous.

Claims 1-17 and 21-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a). Winsel discloses a method and device for distillation of fluids with vapor diffusion.
- b). Collins discloses a multieffect method and apparatus for purification of contaminated fluids.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Virginia Manoharan/
Primary Examiner, Art Unit 1797